MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, ex rel., HUMANE SOCIETY OF MISSOURI,
RELATOR
vs.

HONORABLE JON E. BEETEM,
RESPONDENT

DOCKET NUMBER WD72661

DATE: AUGUST 11, 2010

Appeal from:

The Circuit Court of Cole County, Missouri
The Honorable Jon E. Beetem, Judge

Appellate Judges:

Writ Division: James M. Smart, Jr., P.J., Victor C. Howard and James E. Welsh, JJ.

Attorneys:

Heidi D. Vollet, for Relator

Charles W. Hatfield, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, ex rel., HUMANE SOCIETY OF MISSOURI, RELATOR
    v.
HONORABLE JON E. BEETEM

WD72661   Cole County, Missouri

Before Writ Division Judges: James M. Smart, Jr., Presiding Judge, Victor C. Howard, Judge and James E. Welsh, Judge

Missouri citizen and taxpayer Karen Strange filed a petition challenging the Secretary of State's ballot summary statement for an initiative that would enact a new statutory provision known as the "Puppy Mill Cruelty Prevention Act." Strange alleged that the use of the phrase "puppy mill cruelty" in the summary was inherently prejudicial and misleading. In an effort to further her argument, Strange sought discovery of information gathered by the Humane Society of Missouri and its partners, including findings from a series of focus group studies. The trial court issued an order requiring the Humane Society to disclose the information, known as "Document 10." The Humane Society now seeks a writ of prohibition forbidding the compulsory disclosure of Document 10.

WRIT OF PROHIBITION IS MADE ABSOLUTE.

Writ Division holds: Where the trial court was able to determine as a matter of law whether the language of the Secretary's summary was prejudicial without having to resort to the type of information contained in Document 10, the document was not relevant to the issue at hand, nor was it reasonably calculated to lead to the discovery of admissible evidence.

Opinion by: Victor C. Howard, Judge   Date: August 11, 2010